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ATTORNEYS FOR PLAINTIFF
ALBERTA TELECOMMUNICATIONS
RESEARCH CENTRE d/b/a TR LABS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ALBERTA TELECOMMUNICATIONS RESEARCH CENTRE d/b/a TR LABS, A Canadian Not For Profit Corporation,	)	**CIVIL ACTION NO.**
Plaintiff,	)	**JURY TRIAL DEMANDED**
v.	)	
AT&T CORPORATION, A Delaware Corporation,	)	**ELECTRONICALLY FILED**
Defendant.	)	

COMPLAINT

The plaintiff, the Alberta Telecommunications Research Centre, doing business as TR Labs ("TR Labs"), alleges in the afore-captioned matter as follows:

PARTIES

1. TR Labs is Canada's largest non-profit research consortium with its membership including universities, companies, and government agencies. TR Labs has offices throughout western Canada, and its principal place of business is 9107 116th Street, Edmonton, Alberta, Canada T6G 2V4.

2. Among TR Labs' members is the University of Alberta in Edmonton, Canada.

3. AT&T is a corporation organized under the laws of the State of Delaware, with a principal place of business at 175 East Houston Street, San Antonio, Texas 78205. Upon information and belief, AT&T Labs, Inc. conducts the research and development for AT&T. AT&T Labs, Inc. has two locations in New Jersey which include 180 Park Avenue, Florham Park, NJ 07932, and 200 Laurel Avenue, Middletown, NJ 07748.

JURISDICTION AND VENUE

4. On information and belief, the defendants, at all relevant times, have been doing business in this Judicial District.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b).

FACTUAL BACKGROUND

7. TR Labs is the owner by assignment of U.S. Patent No. 6,914,880, entitled *Protection of routers in a telecommunications network* ("the '880 patent"), U.S. Patent No. 6,421,349, entitled *Distributed preconfiguration of spare capacity in closed paths for network restoration* ("the '349 patent), and U.S. Patent No. 7,260,059, entitled *Evolution of a*

telecommunications network from ring to mesh structure ("the '059 patent"), (collectively "the TR Labs patents") (attached as Exhibits A, B, and C).

8. The first named inventor on the TR Labs patent is TR Labs' Chief Scientist in Network Systems Research, Dr. Wayne D. Grover.

9. The '880 patent issued on July 5, 2005 based upon an application filed on May 19, 1999. The '349 patent issued on July 16, 2002 from an application filed on July 11, 1997. The '059 patent issued on August 21, 2007 from an application filed on June 28, 2001.

10. The '349 patent is cited as relevant prior art in four later-issued patents belonging to defendant, AT&T Corp. ("AT&T").

11. In addition to his position at TR Labs, Dr. Grover is a Professor in the Department of Electrical and Computer Engineering at the University of Alberta in Edmonton, Canada.

12. Dr. Grover is a Fellow of the Institute of Electronic and Electrical Engineers ("IEEE"), a title conferred on those engineers who have demonstrated outstanding proficiency and have achieved distinction in their profession. He is also a Fellow of the Engineering Institute of Canada, a title awarded by that organization for similar scientific achievement.

13. Among his numerous awards, in 2001-2002, the Natural Science and Engineering Research Council of Canada named Dr. Grover an E.W.R Steacie Fellow, which recognizes highly promising scientists and engineers who are faculty members of Canadian universities. Dr. Grover was awarded the IEEE's 1999 W.R.G. Baker Prize Paper award for the most outstanding paper reporting original work in an IEEE publication, and that same year was named Canada's Outstanding Engineer in Canada by the IEEE.

14. Upon information and belief, AT&T operates, either directly or indirectly, mesh telecommunications networks throughout the United States.

15. The mesh telecommunications networks operated directly or indirectly by AT&T infringe the claims of the TR Labs patents in violation of 35 U.S.C. § 271.

COUNT I – PATENT INFRINGEMENT

16. TR Labs hereby incorporates by reference paragraphs 1-14, above.

17. AT&T has directly infringed the claims of the TR Labs patents by operating, either directly or indirectly, mesh telecommunications networks that are covered by such claims, which is in violation of 35 U.S.C. § 271.

18. TR Labs has been, and will continue to be, irreparably harmed by AT&T's infringement in view of the finite patent monopoly that TR Labs enjoys as the owner of the TR Labs patents.

PRAYERS FOR RELIEF

WHEREFORE, TR Labs respectfully requests that this Court:

a) Find that AT&T infringes the patents in suit;

b) Order AT&T to pay TR Labs damages equal to no less than a reasonable royalty to compensate TR Labs for the infringement of the TR Labs patents pursuant to 35 U.S.C. § 284;

c) Order AT&T to pay TR Labs prejudgment interest to compensate TR Labs for its lost use of money to which it was entitled;

d) Find this case to be exceptional;

e) Order AT&T to pay attorneys' fees pursuant to 35 U.S.C. § 285;

f) Enjoin AT&T from further infringement of the TR Labs patents; and

g) Award whatever additional relief the Court finds just and equitable.

JURY DEMAND

TR Labs hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: 8/5/09

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RULE 11.2 CERTIFICATION

We hereby certify that this matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: 8/5/09

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